

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION
Honorable Edward J. Davila
Courtroom 4 - 5th Floor**

**TITLE: *UNITED STATES v. RAMESH SUNNY BALWANI*
CASE NUMBER: 5:18-CR-00258-2 EJD**

Minute Order and Trial Log

Date: April 13, 2022

Time in Court: 8:36-9:25 AM; 9:32-11:16 AM; 11:50 AM – 2:06 PM; 2:39-4:13 PM
(TOTAL Time: 6 hrs, 21 min.)

Courtroom Deputy Clerk: Cheré Robinson
Court Reporter: Irene Rodriguez

APPEARANCES:

Plaintiff Attorney(s) present: Jeffrey Schenk, John Bostic, Robert Leach
Also present: Paralegals – Maddi Wachs; Sara Slattery

Defendant Attorney(s) present: Jeffrey Coopersmith, Amy Walsh, Stephen Cazares,
Aaron Brecher, Shawn Estrada, Amanda McDowell,
Sachi Schuricht

Also present: Paralegal – Jennifer Cygnor
Also present: Ramesh Sunny Balwani (out-of-custody)

PROCEEDINGS:

Motion Hearing and Jury Trial (Day 17):

Motion Hearing and Housekeeping Matters: 49 min. [8:36- 9:25 AM]

Hearing on 2022-04-08 [1396] Motion to Exclude Trial Exhibits 504, 551, 983, 1496, and 1776 and Related Testimony. Argument of Counsel heard.

Jury Trial: 5 hr 32 min [9:32-11:16 AM; 11:50 AM – 2:06 PM; 2:39-4:13 PM]

Jury Trial held April 13, 2022. Testimony held and evidence entered.
Further Jury Trial set for April 15, 2022, at 9:00 AM.

See attached Trial Log.

The following exhibits were identified and offered:

Plaintiffs: 5805, 5804, 1090, 5801, 1940, 4869, 1752, 1776, 504, 588, 5413, 5387I
Defendants: 7239, 7747, 20186, 7243, 20538, 20537, 20486, 7244, 20550, 966A, 20536, 20173,
20175, 20547, 20548, 10467, 10469, 20166, 10468, 10558, 20167, 10554

The following exhibits are admitted into evidence:

Plaintiffs: 5805, 5804, 1090, 5801, 1940, 4869, 1752, 504, 588, 5413, 5387I
Defendants: 7239, 7747, 20186, 7243, 20538, 20537, 20486, 7244, 20550966A, 20536, 20173,
20175, 20547, 20548, 10467, 10469, 10468, 10558, 20167, 10554

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

HONORABLE EDWARD J. DAVILA

Case Name: *United States v. Ramesh Sunny Balwani*
Case No: 5:18- CR-00258-2 EJD

TRIAL LOG

TRIAL DATE: April 13, 2022			REPORTER(S): Irene Rodriguez	CLERK: Cheré Robinson
PLF	DEFT	TIME	DESCRIPTION	
		8:36 AM	Court in session outside of presence of Jury and witness	
			Hearing held on [1396] Defendant's Motion to Exclude Trial Exhibits 504, 551, 983, 1496, and 1776 and Related Testimony	
			Court and Counsel address other scheduling and housekeeping matters	
			Court breaks for 7 minutes	
		9:30 AM	Jury enters Courtroom	
		9:32 AM	Court in session in presence of Jury	
			Court addresses Jurors re previous admonishment, seating arrangements and adjustments to trial schedule	
		9:34 AM	Witness #5 Daniel Edlin takes the Stand	
			Government continues direct examination of Daniel Edlin	
5805		9:42 AM	ADMITTED Into Evidence – Archived Theranos Website Pages – Feb 8, 2014	
5804	Obj	9:59 AM	ADMITTED Into Evidence - 2013/09/09/ C. Holmes Email to Walgreens re new mechanical for patient brochure, and attachment	
1090	Obj	10:04 AM	ADMITTED Into Evidence – 2013-09-06 Email Chain re Readback	
5801		10:10 AM	ADMITTED Into Evidence – 2014-02-18 Blickman Email to Holmes et al. re WIRED article, and Attachment – 2014-02-18 WIRED Article	
1940		10:15 AM	ADMITTED Into Evidence – 2014-09-16 Edlin Email to Holmes and Blickman re Contents of Confidential Investment Materials Binders	
4869		10:19 AM	ADMITTED Into Evidence – Presentation: Confidential Investment Materials for Rupert Murdoch	

TRIAL DATE: April 13, 2022			REPORTER(S): Irene Rodriguez	CLERK: Chéré Robinson
PLF	DEFT	TIME	DESCRIPTION	
1752		10:27 AM	ADMITTED Into Evidence – May 21 - June 1, 2014, Edlin/Holmes/Blickman Email String re re Roger Parloff - aggregated action items, and attachment – Theranos Multiplexed Panel Validation Report Schering Plough.pdf	
1776	Obj	10:32 AM	Offered into evidence	
			Objection Sustained	
504		10:36 AM	ADMITTED Into Evidence – Dec 2011-Jan 2012 Maj. Cook/Holmes/Edlin Email String re Lab Set, and attachment – Background and Overview document re Theranos	
588		10:48 AM	ADMITTED Into Evidence - 4/23-24/2012 Edgar/Holmes Email Chain re Theranos Update to Gen. Mattis	
1027		10:51 AM	ADMITTED Into Evidence – Jul/Aug 2013 Email String re THERANOS Limited Objective Experiment (LOE)	
5413	Obj	11:05 AM	Offered into evidence	
			Further foundation to be laid	
5413	Obj	11:06 AM	Offered into evidence	
		11:07 AM	ADMITTED Into Evidence (not for truth of matter) – July 2014 Email Chain re Patient requesting physician call regarding lab results	
		11:16 AM	Court breaks for 34 minutes	
		11:50 AM	Court in session out of presence of Jury and witness	
		11:54 AM	Jury returns to Courtroom	
		11:55 AM	Government continues direct examination of Witness #5 Daniel Edlin	
5387I		11:57 AM	ADMITTED Into Evidence – Misc. Balwani/Holmes text messages	
		12:16 PM	Government completes direct examination of Daniel Edlin	
		12:18 PM	Defense begins cross-examination of Daniel Edlin	
7239	Obj	12:33 PM	Offered into Evidence	
			Further foundation laid	

TRIAL DATE: April 13, 2022			REPORTER(S): Irene Rodriguez	CLERK: Chéré Robinson
PLF	DEFT	TIME	DESCRIPTION	
			ADMITTED Into Evidence – 2012-06-21 Pangarkar Email to Holmes re Cytometry assay development reports	
7747		12:55 PM	ADMITTED Into Evidence – Picture of Theranos 4s device	
20186		12:58 PM	ADMITTED Into Evidence – Diagram of Thernaos Sample Processing Unit (miniLab) – Image of Thernaos 4s device	
7243		1:05 PM	ADMITTED Into Evidence – 7/31 – 8/1/2012 Holmes/Young/Edlin Email Chain re Minilab	
20538 (p. 30)		1:11 PM	ADMITTED Into Evidence (Pg. 30 only) – Depiction of device home screen – belmondo THERANOS CT ₃ DIARY / VERSION # 2a/ MAY 22, 2013	
20537		1:16 PM	ADMITTED Into Evidence - Video instruction of use of Theranos testing device	
20486		1:28 PM	ADMITTED Into Evidence – Apr 1-3, 2013 Balwani/Eldin/Young Email String to Eldin re DoD app	
7244	Obj	1:34 PM	ADMITTED Into Evidence – 2012-08-01 Email String re Mens' health cartridge demo on 7.16 in Chicago	
		2:06 PM	Court breaks for 33 minutes	
		2:39 PM	Jury enters Courtroom	
			Court in session	
		2:41 PM	Defense continues cross-examination of Daniel Eldin	
20550		2:45 PM	ADMITTED Into Evidence – Jul 2013 Email String re Summary of Historical Edison numbers so we have a fixed point of reference on numbers going forward.	
966A		2:53 PM	ADMITTED Into Evidence – 2013-08-14 Young Email to C. Holmes, Edlin, E. Holmes, Balwani, Blickman re demo results 8_13_2013, and attachment – Lab Report – 8/13/2013 Theranos Test Report Technology demonstration	
20536		2:57 PM	ADMITTED Into Evidence – Nov 13-14, 2013 Email Chain re WAG Specimens Tonight	
20173		3:01 PM	ADMITTED Into Evidence – 2014-01-07 Balwant Email re demo Friday	
20175		3:04 PM	ADMITTED Into Evidence – Jan 2014 Fosque/Young/Edlin Email Chain re Demo Report for Review, and attachment – Theranos Lab Report Technology Demonstration – Khanna, Vivek	

TRIAL DATE: April 13, 2022			REPORTER(S): Irene Rodriguez	CLERK: Chéré Robinson
PLF	DEFT	TIME	DESCRIPTION	
20547		3:08 PM	ADMITTED Into Evidence – 11/09/2012 Latto Email to Balwani et al re Theranos MAR/COMM – contact report – indicating attachments: Theranos White Board Notes.pdf, Theranos Brand Archetypes.pdf, Theranos nov7 audience insight v1.pdf, Theranos nov7 consumerworld.pdf, Theranos Contact Report Nov7.pdf	
20548		3:10 PM	ADMITTED Into Evidence – Nov 2012 Email String re Deliverables and timing, and attachment – table re list of deliverables (slide decks and brochures), completion dates and notes	
10467		3:19 PM	ADMITTED Into Evidence – Aug/Sep 2013 Email String re 3 info graphic questions for our website	
10469		3:23 PM	ADMITTED Into Evidence – 8/30/2013 Edlin Email to Holmes re Analyte Decay Graph for .COM – Feedback needed tonight; attachment – Analyte decay.ppt	
10468		3:25 PM	ADMITTED Into Evidence – Aug 2013 Email Chain re Analyte Decay Graph for .COM – Feedback needed tonight	
20166	Obj	3:29 PM	Offered into evidence.	
			Reserved for later	
		3:31 PM	Demonstrative presented to Court and Counsel – Theranos Website	
		3:34 PM	Row 1 of Demonstrative displayed (not admitted as evidence)	
10558		3:46 PM	ADMITTED Into Evidence – Sep 2013 Email String re Brochure feedback	
20167		3:51 PM	ADMITTED Into Evidence – Sep 2013 Email string re Media Inquiry from G2 Intelligence	
10554		3:54 PM	ADMITTED Into Evidence – Aug 2013 Email String re Theranos Stats/Sources for Joe Rago Interview	
		3:58 PM	Court admonishes Jury	
		3:59 PM	Jury and Witness exit Courtroom	
			Juror #8 remains	
		4:01 PM	Court seals Courtroom	
			Court in session with Counsel and Juror #8	
		4:04 PM	Juror #8 departs Courtroom	

TRIAL DATE: April 13, 2022			REPORTER(S): Irene Rodriguez	CLERK: Chéré Robinson
PLF	DEFT	TIME	DESCRIPTION	
			Court in session out of presence of Jury and witnesses	
		4:13 PM	Court adjourns	
			Jury Trial Continued to April 15, 2022	